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EXAMINER	
DETWILER, BRIAN J	

ART UNIT	PAPER NUMBER
2173	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No. 09/577,257	Applicant(s) CHANEY, JEREMY	
	Examin r Brian J Detwiler	Art Unit 2173	

-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-6,8-11 and 13-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6,8-11 and 13-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19, 20, 43, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "the music driver" in line 2. There is insufficient antecedent basis for this limitation in the claim. In order to expedite prosecution, the examiner assumes that Applicant intended to refer to the "device driver" defined in claim 18.

Claim 20 recites the limitation "the compact diskette" in line 4. There is insufficient antecedent basis for this limitation in the claim. In order to expedite prosecution, the examiner assumes that Applicant intended to refer to the "optical diskette" defined in claim 19.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim that is not in the dictionary, the written description must clearly define the claim term and set forth the definition. The terms "transcoding" and "transcrypting" in claims 43 and 44 cannot be found in a dictionary. The terms are mentioned on page 13 of the specification, but they are not defined. Therefore, they are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 8-11, 13-17, 21, 24, 27, 30, 35, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,356,971 (Katz et al., hereinafter Katz).

Regarding claims 1, 6, 11 and 35, Katz teaches executing a music player that displays a graphical user interface comprising information about music items (see column 6, lines 1-4 and Figures 4A-4D); and displaying a customized graphical interface (see column 4, lines 49-54, where Katz discloses managing user-defined playlists) including at least one control object for managing the music items (see slot list in directory pane 420 of Figure 4A), wherein the control object is provided by a device driver related to a music renderer (see column 4, lines 54-67 through column 5, lines 1-10, where Katz discloses a device driver that provides the status of the slot list to the music player as a control), and wherein the displaying of the customized graphical interface is in response to an event occurring during the execution of the music player (see column 4, lines 58-66; where Katz discloses sensing that the door of the disk changer device is closed).

Regarding claims 3, 8, and 13, Katz discloses that the control object is a selection item (see slot list in directory pane 420 of Figure 4A).

Regarding claims 4, 9, and 14, Katz teaches managing the plurality of music items by selecting and playing a music item from the slot list (see directory pane 420 in Figure 4A).

Regarding claims 5, 10, and 15, Katz teaches an event comprising receiving a request to transfer a music item from a storage device associated with the music player to a music renderer

(see column 7, lines 41-44; where Katz describes a user requesting to play a particular music item in the music player).

Regarding claims 16 and 17, Katz teaches all the limitations (see rejections above) including one or more textual elements describing an aspect of the music player and receiving a request from a device driver to change/rename the textual element (see column 4, lines 54-66; where Katz discusses the CD changer device driver, which updates the slot list displayed when the contents of the CD changer change).

Regarding claims 21, 24, 27, 30, and 37, Katz teaches a music player executing on a computer (see column 4, lines 42-54).

Claims 18-20, 33, and 34 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,393,430 (Van Ryzin).

Regarding claim 18, Van Ryzin teaches executing a music player that initiates the playback of music items upon a request from the user (see GUI in Figures 2-4 wherein the user has access to a plurality of music player controls located at the top of the screen); receiving a request from a device driver to suspend playback of the music items (see GUI in Figures 2-4 wherein the user can select pause or stop buttons to inherently communicate with a device driver, which will request that playback be suspended), wherein the request is received in response to receiving a request to burn an optical disk (see column 3, lines 39-45, wherein a user can select the record feature of the GUI); and suspending playback of the music items on the music player after receipt of the request (since the process has not been claimed to be automatic, the steps can occur in any order as dictated by the user).

Regarding claim 19, Van Ryzin teaches receiving a request from the music driver to allow playback of the music items and resuming playback of the music items (see GUI in Figures 2-4 wherein the user can select the play button to resume playback of the music items).

Regarding claim 20, Van Ryzin teaches that the burning can occur subsequent to playback of the music items, and wherein resuming playback of the music items occurs subsequent to burning the compact diskette (see GUI in Figures 2-4, wherein, as mentioned above, users can initiate different steps in any order by manipulating the controls).

Regarding claim 33, Van Ryzin teaches a music player executing on a computer (see Figures 1-4).

Regarding claim 34, Van Ryzin teaches a device driver for controlling a device that burns optical disks (see column 3, lines 21-59, wherein a device driver is inherently included to translate and direct requests from the application program to the recording device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 22, 25, 28, 31, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,356,971 (Katz et al) as applied to claims 1, 6, 11, 17, and 26 above, and further in view of U.S. Patent No. 6,377,530 (Burrows).

Katz discloses the methods and systems mentioned above, but fails to disclose that the music renderer is a portable MP3 music player device. Burrows, however, discloses a graphical interface for managing music items wherein, the music renderer is a portable MP3 music player device (see column 4, lines 27-67). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a portable MP3 music player device as taught by Burrows in combination with the customized graphical interface of Katz. Such a combination would have been advantageous, as suggested by Burrows, because it would allow users to create customized playlists from their CD collections and play them on portable devices.

Claims 23, 26, 29, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,356,971 (Katz et al) as applied to claims 1, 6, 11, and 17 above and further in view of U.S. Patent No. 6,393,430 (Van Ryzin).

Regarding claims 23, 26, 29, and 32, Katz discloses the methods and systems mentioned above, but fails to disclose that the music renderer is a device for burning optical diskettes. Van Ryzin, however, discloses a graphical interface for managing music items, wherein the music renderer is a device for burning optical diskettes (see column 3: lines 20-59, wherein Van Ryzin teaches adding songs to a minidisc, which could inherently be replaced with an optical diskette or similar media type). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a device for burning optical disks as taught by Van Ryzin in combination with the customized interface of Katz. Such a combination would have been advantageous, as suggested by Van Ryzin, because it would allow users to create customized playlists from their CD collections and store them on portable media.

Regarding claim 36, Katz teaches that the control object is a button (see directory pane 420 in Figure 4A wherein the control object comprises plus and minus buttons).

Claims 39-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,393,430 (Van Ryzin) in view of U.S. Patent No. 6,377,530 (Burrows).

Regarding claim 39, Van Ryzin teaches executing a music player that is executing in a computer and that displays a graphical interface comprising information about music items (see Figures 2-4), and displaying, in response to a user request for transferring a music item from the computer to a recording device, a graphical interface for managing the content of the recording device (see Figures 2-4 wherein the user can create a customized playlist for transfer to the recording device). Van Ryzin, though, fails to disclose that the recording device is a portable music player device. Burrows, though, teaches a portable music player device that is controllable by a computer interface (see column 4, lines 35-67 through column 5, lines 1-5). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a portable music player device as taught by Burrows in combination with Van Ryzin's graphical interface. Such a combination would have been advantageous, as suggested by Burrows, because it would allow users to transfer their music to a portable device that is capable of more than just storing music to a medium. Specifically, users could easily disconnect the device and begin listening to the music instead of having to remove the media and insert it in a specially designed player.

Regarding claim 40, Van Ryzin in view of Burrows inherently teaches an import window for identifying files on a computer (see column 2, lines 14-54, wherein Van Ryzin teaches using a GUI to select files and place them in a customized playlist).

Regarding claim 41, Van Ryzin in view of Burrows teaches a selector for initiating transfer of at least one music item to the portable music player (see column 3, lines 39-45, wherein Van Ryzin teaches selecting the "record" feature).

Regarding claim 42, Van Ryzin in view of Burrows teaches transferring a music file to the portable music player device (see column 4, lines 46-67 through column 4, lines 1-13, wherein Van Ryzin teaches transferring music files to a recording device).

Regarding claims 43 and 44, the examiner is uncertain of the meanings of the terms "transcoding" and "transcrypting". To expedite prosecution, both are interpreted as an act of changing or transforming. Van Ryzin in view of Burrows teaches transforming a music item from a first format to a second format prior to transmitting the music item from the computer to the portable music player device (see column 4, lines 4-13, wherein Van Ryzin teaches decompressing the audio data before it is written to the sound card).

Regarding claim 45, neither Van Ryzin nor Burrows explicitly discloses a selector for initiating playback of at least one music item that is stored in the portable music player. Van Ryzin implicitly suggests, however, that one of ordinary skill in the art would recognize that such a selector is possible (see column 5, lines 10-13, wherein Van Ryzin teaches controlling the recording device with the software via a serial or parallel port). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a selector as suggested by Van Ryzin in view of Burrows for initiating playback of a music item that is

stored in a portable music player. Such a feature would have been advantageous because it would allow users to test the results of music transfers without having to disconnect the portable music player device.

Response to Arguments

Applicant's arguments filed 18 March 2003 have been fully considered but they are not persuasive. Applicant first asserts that Katz's device driver does not customize the controls of any graphical user interfaces shown. While it may be true that the device driver itself is not "customizing" the interface, it should be noted that this behavior is not claimed. Instead, Applicant claims "a customized graphical interface **including** at least one control object" (emphasis added). Applicant further asserts that Katz does not teach or suggest displaying a customized graphical interface. The examiner respectfully disagrees. Because the details of the customization are not defined, the examiner correctly assumes the broadest reasonable interpretation of the limitation. Katz's interface is dynamic in that the displayed items are fully dependent on actions taken by the user. Accordingly, a user can take the appropriate steps to display some items and not others, and add or change track titles. In a broad sense, the interface is thus customized. Applicant still further asserts that Katz does not teach or suggest allowing device drivers to control the GUI of an application program. Again, the examiner respectfully disagrees. The device driver must play some role in controlling panel 420 in the GUI shown in Figure 4A. The contents of each CD in the changer are interpreted and translated into some form readable by the application program. Without such a device driver, Katz's program would not be able to communicate with the changer and display its contents. The device driver is therefore at

least partially responsible for controlling the GUI of the application program. Finally, Applicant's argument with respect to claim 18 is moot in view of the new grounds of rejection necessitated by amendment.

Conclusion

Applicant is hereby notified that a new examiner has been assigned to review the instant application.

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach alternative media player interfaces.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bjd
June 12, 2003

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100